



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT EXAMINING OPERATION

Applicant : NABIL N. GHALY
For : ELECTRONIC HAND HELD LOGIC GAME
Serial No. : Reissue application of U.S.
Filed : Patent No. 5,286,037
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 : 08/376,789
 : January 23, 1995
 : 0151-125P/JAB

SUPPLEMENTAL DECLARATION

NABIL N. GHALY declares as follows:

1. I am the named inventor in the present reissue application. I have been advised by my attorney that further issues have arisen with respect to amended claims 22, 23, 42, and 43 of my Reissue Application and thus I submit this further Supplemental Declaration to reiterate the facts and circumstances associated with the changes to such claims.

2. Claim 22 provides a limitation to claim 1, and presents the same modification as in claim 21, discussed in my earlier Declaration, namely broadening of the term "geometric square" language to a --two-dimensional geometric shape having four edges--. At the time the application was prepared (August 1991), I contemplated a square as being the proper designation for the

cells of a game board; simply four-sided, as I drew an analogy to a checkerboard. I have now recognized, after subsequent discussions with counsel, that the designation of a "square" is unduly limiting, as it would not, for example, embrace a rectangle or other four-sided shapes having equivalent attributes for purposes of the invention as defined in this claim. The language "further comprises eight (8) ports" has been deleted as being superfluous to the following language identifying the ports as input and output ports. At the time of filing I erroneously believed that such language was necessary to define the invention. I have subsequently been advised by counsel that such language was not needed and thus it has been deleted. In addition, in claim 22 the original claim recitation of "the input port at the top edge of the square connects to the input port at the left edge of the square" Set forth in subparagraph a.(iv) is now being changed to --the input port at the top edge of the square connects to the output port at the left edge of the square--. This change is to correct a typographical error that was inadvertently made at the time I drafted the original application in August 1991 and which I now have identified. Clearly, the input ports must be connected to output ports. The other portions of the claim properly reflect the intended relationship.

3. Claim 23 as amended deletes the claim recitation relating to the images represented "wherein each of said plurality of playing positions is indicated to provide" a plurality of display

positions. My intention at the time I drafted this claim in August 1991, was to provide, as part of this claim, a brief explanation that the images are pictorially represented and that the playing positions are used to display the images. Since I was acting pro se in August 1991 and did not fully understand the requirements of claim drafting, I mistakenly thought that I must include explanations or clarifications as part of a claim. I now recognize, after discussion with counsel, that adding such explanations and clarifications was unduly limiting and did not comport with the requirements of my invention.

4. Further in claim 23, recitations of "means for varying the level of difficulty of any particular game" and "sensorially perceptible indicating means responsive to said entry control means for generating a first sensorially perceptible indication corresponding to each activation of the entry control means, a plurality of sensorially perceptible indications each of which is different from said first sensorially perceptible indication and corresponding to each of said plurality of images being displayed at all display positions and a sensorially perceptible indication corresponding to the successful completion of a game," have been deleted from the claim. As discussed in Paragraph 18 of my Second Supplemental Declaration dated April 2, 1997 with respect to deletion of such language from claim 1, at the time of filing my original application I envisioned my invention as having the capability of play at different levels and that the light display

would be accompanied by other indications, such as sound. I thus included these features as an integral part of the definition of the game apparatus set forth in this claim. I did not recognize at that time that these features, although contemplated by me as being desirable parts of the game, could properly be excluded from a definition of my "invention." Subsequent discussions with counsel have clarified my understanding of the purpose, interpretation and scope of claims, and I now understand that the inclusion of such features were unduly limiting, as they are not a necessary requirement or feature of what I consider to be my invention. In addition, amended claim 23 reflects typographical and grammatical changes which do not affect its scope.

5. Claims 42 and 43, as amended, each redefine the routing means as a --two-dimensional shape having four sides,-- rather than as a "geometric square". As set forth in Paragraph 2, the term "geometric square" which I regrettably used to characterize a four-sided cell, is unduly limiting, and resulted from my failure to appreciate my ability to claim a more generic definition for this feature in August 1991 when I drafted these claims. In addition, the claims' recitations of "the input port at the top edge of the square connects to the input port at the left edge of the square" set forth in subparagraph a(iv) is being changed to --the input port at the top edge of the square connects to the output port at the left edge of the square.--" This change is to correct the same typographical description error as appears in claim 22 and

discussed in Paragraph 2. These errors were inadvertently made at the time I drafted the original application in August 1991.

6. As set forth in my earlier Declarations, all of the foregoing defects or errors became apparent to me only after my patent was issued and reviewed by me and later by counsel in connection with my effort to commercialize the invention. Working with counsel the errors were identified and the present reissue application prepared to correct them.

7. My attorney has advised me of the potential effect of the doctrine of unallowable "claim recapture" which results when a reissue patent applicant seeks to claim in reissue subject matter which was surrendered during prosecution of the original patent. The claims which issued on my original patent were of no less scope than the claims which were originally submitted. While changes to the claims were made by me to comply with formal claim requirements, none of such changes constituted a narrowing of the claimed subject matter, and thus the present reissue is not an attempt to recapture subject matter which I previously surrendered.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful, false statements and the like so made are punishable by fine, or imprisonment, or both, under section

1001 of Title 18 of the United States Code, and that such willful,
false statements may jeopardize the validity of this application
or any patent issuing therefrom.

Executed on July 14 , 1997



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